IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 2605 of 2005(I)

PETITIONER:

KERALA PWD MECHANICAL STAFF UNION,
REG.NO.200/78, THIRUVANANTHAPURAM,
REPRESENTED BY ITS PRESIDENT V.K.JAIN.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:
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1. THE ADDITIONAL SECRETARY,
PAY REVISION IMPLEMENTATION WING,
FINANCE DEPARTMENT, LEGISLATIVE COMPLEX,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS (A) DEPARTMENT,
GOVT. OF KERALA, THIRUVANANTHAPURAM.

ADDL. RESPONDENT:

3. THE CHAIRMAN, PAY REVISION COMMISSION,
LEGISLATURE COMPLEX, VIKAS BHAVAN, THIRUVANANTHAPURAM.
(IMPLEADED AS ADDL. R3 AS PER ORDER DTD.17.1.2006 IN IA NO.16827/05)

BY GOVERNMENT PLEADER SRI.R.LAKSHMI NARAYAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 2605/2005

APPENDIX

PETITIONER'S EXTS.

EXT.P1 - TRUE COPY OF THE REPRESENTATION DT.21.12.1998 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P2 - TRUE COPY OF THE REPRESENTATION DTD.7.9.99 SUBMITTED TO THE 2ND RESPONDENT.

EXT.P3 - TRUE COPY OF THE REPORT ALONG WITH THE FORWARDING NOTE OF THE SUPERINTENDING ENGINEER DATED 27.3.2000.

EXT.P4 - TRUE COPY OF THE REPORT DT. 7.8.2000 ADDRESSED TO THE 2ND RESPONDENT.

EXT.P5 - TRUE COPY OF THE JUDGMENT DATED 1.2.2001 IN O.P. NO.3495/2001 OF THIS HON'BLE COURT.

EXT.P6 - TRUE COPY OF THE ORDER DT. 16.5.2001 ISSUED BY THE FIRST RESPONDENT.

EXT.P7 - TRUE COPY OF THE JUDGMENT DT. 14.9.2001 IN O.P. NO.27293/2001 OF THIS HON'BLE COURT.

EXT.P8 - TRUE COPY OF THE ORDER DATED 19.12.2002 ISSUED BY THE 2ND RESPONDENT.

EXT.P9 - TRUE COPY OF THE ORDER DT. 28.6.2004 ISSUED BY THE 2ND RESPONDENT.

EXT.P10 - TRUE COPY OF THE REPRESENTATION DT. 2.12.2004 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P11 - TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 30.1.2006.

EXT.P12 - TRUE COPY OF THE ORDER OF THE STATE OF KERALA BY WHICH GIVEN THE SAME TO THE ROLLER DRIVERS IN THE DEPARTMENT OF KERALA ENGINEERING SUBORDINATE SERVICES.

EXT.P13 - TRUE COPY OF THE RELEVANT PAGES OF THE PAY REVISION ORDERS.

RESPONDENTS' EXTS. NIL

/TRUE COPY/

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 2605 OF 2005-I

JUDGMENT

The petitioner Union represents the Roller Drivers and the Roller Cleaners of Public Works Department. Their grievance is that the Drilling Assistants in the Ground Water Department are granted higher scale of pay. Though, their representations in this regard were recommended by the Chief Engineer, the Government did not consider the same. On the direction of this Court, the matter was considered and rejected by Ext.P6 order. The petitioner filed Ext.P10 representation against Ext.P6, seeking reconsideration of the matter and thereafter, this writ petition was filed, seeking the following reliefs:

> "(a) issue a writ of certiorari quashing the original of Ext.P6.
>
> (b) issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to fix the pay of the Roller Drivers and Roller Cleaners in PWD in parity with that of Drilling Assistants in Ground Water Department.
>
> (c) issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to implement the recommendations in Exts.P3 and P4 reports as also the request in Exts.P1 and P2.
>
> (d) direct the 2nd respondent to consider and pass orders on Ext.P10 representation without delay."

2. This Court by an interim order dated 25.1.2006, permitted the

petitioner to file a representation before the additional 3rd respondent and the 3rd respondent was directed to consider the matter within a time limit. Thereupon, the petitioner filed Ext.P11 representation. Subsequently, Pay Revision orders were issued maintaining the disparity against which the members of the petitioner were complaining. So, the petitioner submits, the direction of this Court to consider Ext.P11 representation was not obeyed by the 3rd respondent.

3. This Court can only direct the consideration of the claim of the petitioner in Pay Revision matters. That this Court has done as per the interim order dated 25.1.2006. If the said order is not obeyed, the petitioner has to work out its remedy against it. If the petitioner is of the view that the said representation was rejected in the process of issuing a new Pay Revision order, it can challenge the Pay Revision order in appropriate proceedings.

The Writ Petition is disposed of as above.

14th December, 2007. **K.BALAKRISHNAN NAIR, JUDGE.**

Nm/